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JF Guidelines for 1994 ballot issues

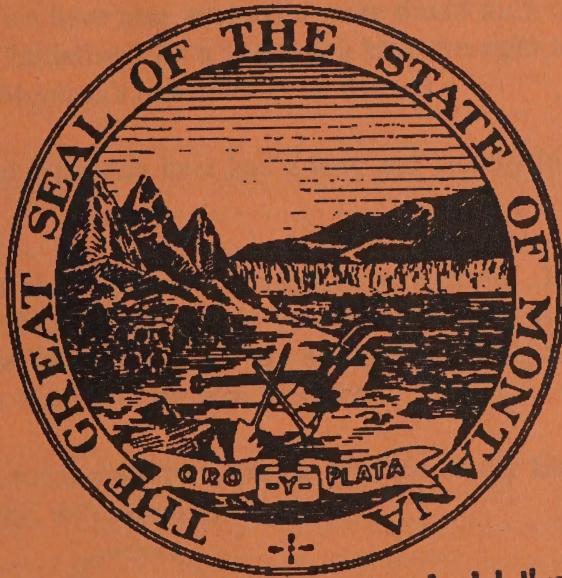
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ES FOR 1994 BALLOT ISSUES



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Published by
MIKE COONEY
Secretary of State

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Mike Cooney
Secretary of State

Montana State Capitol
PO Box 202801
Helena, MT 59620-2801

Dear fellow Montanan:

Our government is based on representative democracy . . . voters choose their leaders, and expect that they will represent them in their schools, courthouse, statehouse, White House and Congress.

But in Montana we have also retained a more direct form of government, the initiative. As a voter, you have the right to petition for a change in Montana's constitution or its laws.

The initiative and referenda have had a long and healthy history in Montana.

You may be planning to propose a ballot issue yourself. If you are, this guide book should assist you in your venture. The steps needed to gain ballot access for ballot issues are outlined in detail, and sample petitions and the law itself are also included.

If you need additional assistance, please give me or my Elections Bureau staff a call; we're here to help.

Sincerely,

Mike Cooney
MIKE COONEY
Secretary of State

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GUIDELINES FOR BALLOT ISSUES

KEY STEPS IN THE BALLOT ISSUE PROCESS

GETTING STARTED . . . (details start on page 3)

1. An individual or group submits a proposed ballot issue to the Legislative Council for its review.
2. The Legislative Council reviews the proposal and makes recommendations to the issue's sponsor. The sponsor responds to the Council.
3. The sponsor submits the proposed ballot issue in petition form to the Secretary of State.
4. The Secretary of State forwards a copy of the proposal to the Attorney General and both agencies review the proposed ballot issue.
5. The Attorney General reviews the proposal; writes the explanatory statement and "for" and "against" statements; seeks a fiscal note, if necessary, from the Office of Budget and Program Planning, and forwards his approval or rejection of the issue, statements and a fiscal statement to the Secretary of State.
6. The Secretary of State reviews the Attorney General's material and notifies the sponsor of either the approval or rejection of the petition, or the conditional approval if there are only technical defects that must be corrected prior to final approval. If the sponsor has requested a sample petition to be prepared by the Secretary of State, the sample will be returned to the sponsor for review.
7. The sponsor makes corrections and changes, if required, to the petition and submits another copy to the Secretary of State for review.
8. Once all changes and corrections have been made, final approval of the petition is given, and the petition may be circulated to collect signatures.

Key steps in the ballot issue process

COLLECTING SIGNATURES . . . (details start on page 8)

9. Circulated petitions with signatures are submitted to county election administrators in each county where signatures are gathered to be verified. Numbers of verified signatures are reported to the Secretary of State.
10. The Secretary of State tallies the number of signatures gathered and if enough signatures are gathered in a sufficient number of legislative districts, the issue is qualified to go on the ballot.

MAKING THE ARGUMENTS . . . (details start on page 11)

11. Sponsors of qualified ballot issues form a committee to prepare arguments in support of the issue, and certain elected officials choose committee members to prepare arguments against the issue. Rebuttals of these arguments are also written by the opposing committees. These arguments, along with the text and form of the ballot issue, are printed in an information pamphlet that is sent to all Montana voters.

AFTER THE ELECTION . . . (details start on page 13)

12. If a ballot issue is adopted by the vote of the people, the measure becomes a part of the constitution or state law.

GUIDELINES FOR BALLOT ISSUES

1994 Calendar for General Election Ballot Issues

This calendar outlines the **major** election events for the next election cycle of the ballot issue process. References in **bold** are to statutes. (See **NOTE** on page 2.)

- | | |
|----------------------|---|
| July 15, 1993 | First day sample ballot issue petitions for the 1994 general election may be submitted to the Secretary of State. 13-27-202, MCA |
| Six months | Last day for referendum to be called on legislation passed in last session. Article III, Section 5, Montana Constitution |
| Oct. 15, 1993 | First day signatures on approved constitutional initiative petitions for the 1994 general election may be submitted to election administrators. 13-27-301, MCA |
| May 9, 1995 | Deadline to appoint committees to write ballot issue arguments for voter information pamphlet for issues appearing on the 1994 general election ballot (unless late approval of petition is given). 13-27-403, MCA |
| June 17, 1994 | Deadline for submitting constitutional and statutory initiative petitions for the 1994 general election to election administrator for certification of signatures; last day for withdrawal of signatures. 13-27-301, MCA |
| July 15, 1994 | Deadline for filing complete constitutional and statutory initiative petitions for the 1994 general election in the Secretary of State's office by county election administrator. 13-27-104, MCA |

The ballot issue process

Oct. 25, 1994 Voter information pamphlets for the 1994 general election must be mailed to voters. **13-27-410, MCA**

Nov. 8, 1994 **GENERAL ELECTION. 13-1-104, MCA**

Nov. 28, 1994 State canvass of general election complete. **13-15-503, MCA**

GUIDELINES FOR BALLOT ISSUES

As you begin work on drafting a petition, the following outline of requirements and procedures should make your job easier. Be sure to review all of Title 13, Chapter 27 (included in the *Appendix*), for complete statutory provisions. If you are amending the Montana Constitution, review the appropriate sections of the Constitution (also included in the *Appendix*).

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The ballot issue process

BEFORE YOU BEGIN ...

WHAT TYPES OF BALLOT ISSUES ARE THERE?

Initiative. An initiative is a proposal by petition to enact a new law by a vote of the people on any matter except the appropriation of money, or local or special laws.

Referendum. A referendum is a proposal by which the people, by their majority vote, can approve or reject a previously enacted statute, except an appropriation of money. A referendum may be originated by the legislature itself or by the people.

By the legislature. At the time a piece of legislation is considered, the legislature may, in its discretion, decide to have its action ratified by a vote of the people.

By the people. Anytime the legislature enacts a statute, the people may petition to refer such statute to a vote of the people.

If petitioners desire to render an enacted statute inoperative pending a vote, a referendum petition containing a greater number of signatures is required. If so suspended, the act becomes operative only after it is approved at an election.

Referendum petitions must be filed no later than six months after the adjournment of the legislature which passed the act.

Constitutional Amendment. A constitutional amendment is a proposal originated by either the legislature or the people to change the constitution.

By the legislature. Amendments may be proposed by any member of the legislature. They must be adopted by an affirmative vote of two-thirds of all the members in order to be submitted to the qualified electors.

GUIDELINES FOR BALLOT ISSUES

By the people. Amendments may be proposed by initiative. If the petitions are signed by the required number of electors, the proposed amendment must be submitted to the qualified electors.

Constitutional Convention. A question on whether to hold an unlimited constitutional convention to revise, alter or amend the constitution may be originated by either the legislature or the people.

By the legislature. The legislature, by an affirmative vote of two-thirds of all the members, may at any time submit to the qualified electors the question of whether there will be a constitutional convention.

By the people. The people may, by petition, direct the Secretary of State to submit to the qualified electors the question of whether there will be a constitutional convention.

WHEN IS THE ELECTION HELD?

Elections on all types of ballot measures proposed by petition are usually held with a statewide general election. Check the constitution and statutory references listed for specific provisions.

GETTING STARTED ...

SUBMISSION OF TEXT FOR REVIEW AND RECOMMENDATIONS

Before submission of the proposed petition to the Secretary of State, the text of the measure must be submitted to the Legislative Council for review. The council staff will review the text as required.

Within 14 days after receiving the proposal, the council staff must make recommendations for changes in the text or a statement that no changes are recommended. The person submitting the text must consider the recommendations and respond in writing to the council accepting, rejecting or modifying each recommended change. If no changes are recommended, no response is required.

The Legislative Council will furnish a copy of this correspondence to the Secretary of State, who will make a copy available to any person upon request.

SUBMISSION OF SAMPLE FORM FOR APPROVAL

Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the Secretary of State in the form in which it will be circulated. The sample petition may not be submitted to the Secretary of State more than 1 year prior to the final date for filing the signed petition with the Secretary of State.

The text of the petition submitted to the Secretary of State should be substantially the same as the text submitted to the Legislative Council. If it is substantially different, the proposed ballot issue could be rejected for not having been reviewed by the Legislative Council.

The Secretary of State refers a copy of the petition to the Attorney General for his approval. The Secretary of State and Attorney General must each review the petition for sufficiency as to form, approve or reject the form of the petition and state the reasons for rejection, if any.

GUIDELINES FOR BALLOT ISSUES

The Attorney General must forward his or her comments to the Secretary of State within 21 days after receipt of the petition.

The Secretary of State will send written notice of the approval or rejection to the person who submitted the petition sheet within 28 days after submission. If the petition is approved, a printed sample copy of the petition to be circulated, containing the title and implication of the vote statements as prepared by the Attorney General, must be filed with the Secretary of State. If the petition has been rejected, reasons for rejection will be sent to the petition sponsor.

The Secretary of State may also give a petition "conditional" approval if the petition contains technical defects. Such defects must be corrected and a new petition submitted to the Secretary of State before final approval can be given. Signatures may *not* be collected until final approval is received.

REQUIRED CONTENTS AND FORM OF PETITION

The Secretary of State will, upon written request, prepare the petition *form* for any sponsor. The sponsor must submit the ballot issue in petition form. The Secretary of State will return the completed sample petition to the sponsor, who must review the text for accuracy. If the sponsor chooses to modify the sample petition after it is received from the Secretary of State, the revised petition must be submitted to the Secretary of State for review.

If the sponsor wishes to compose his or her own petition form, it must follow the guidelines below.

Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened together in sections of not more than 25 sheets each.

Sample sheets are shown in the *Appendix*. However, the following elements must be contained in the petition. (See 13-27-204 through 13-27-207, MCA.)

The ballot issue process

At the top of the petition must appear the statement:

**PETITION TO PLACE
(INITIATIVE-REFERENDUM-CONSTITUTIONAL AMENDMENT)
NO. _____ ON THE ELECTION BALLOT**

A statement of percentage of voters in the number of legislative representative districts required, and the total number of signatures, must appear ~~near~~ the top of the petition sheet.

The following statement must appear on the face of the petition:

(For submission at the general election)

We, the undersigned Montana voters, propose that the Secretary of State place the following measure ~~on~~ the November 8, 1994, general election ballot:

A space for the title of the proposed measure or ~~a~~ statement that the petition is for the purpose of calling ~~a~~ convention, written pursuant to 13-27-312, Montana Code Annotated (MCA), must appear on the face of the petition.

If the signature lines ~~are~~ printed on both the front and back of the petition sheet, the title must appear on both sides.

A space for the statements of implication written by the Attorney General pursuant to 13-27-312, MCA, must immediately follow the title space.

Following the space for the statements of implication, there must be ~~a~~ statement urging voters to read the complete text and a notification that ~~a~~ signature is only to place the measure on the ballot and does not necessarily ~~mean~~ the signer agrees with the measure.

The warning to signers regarding the signing of petitions must appear last, above the numbered signature lines.

GUIDELINES FOR BALLOT ISSUES

The petition must contain numbered lines with indicated spaces for each registered voter's:

1. signature,
2. printed last name of signer,
3. post office address,
4. legislative representative district number, and
5. a "reserved" column is optional but suggested.

The complete text of the measure proposed or referred must be attached to or be contained within each signature sheet, if the sheets are circulated separately. If the sheets are circulated in sections, the complete text of the measure must be attached to each section.

EXPLANATORY AND "FOR" AND "AGAINST" STATEMENTS

If the sample form is approved, the Attorney General will write:

1. a statement, not to exceed 100 words, explaining the purpose of the measure, and
2. statements, not to exceed 25 words each, explaining the implications of a vote for and against the measure.

These statements must be forwarded to the Secretary of State within 21 days after the Attorney General receives the petition. The statement prepared is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot. This statement is also commonly known as the "statement of purpose" or the "explanatory statement."

The statements of implication prepared are commonly known as the "for" and "against" statements to be used on the petition and the ballot if the measure is placed on the ballot. The statements do not necessarily have to be written using the words "for" and "against", but must be similar to that style.

The ballot issue process

PREPARATION OF FISCAL STATEMENT

The Attorney General will order a fiscal statement if the proposed ballot issue has an effect on the revenues, expenditures or the fiscal liability of the state. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note.

If a fiscal note is prepared for the proposed ballot issue, the Attorney General will prepare a fiscal statement which is to be used on the petition and ballot if the measure is placed on the ballot.

GUIDELINES FOR BALLOT ISSUES

COLLECTING SIGNATURES ...

NUMBER OF SIGNATURES REQUIRED

For an initiative or referendum, the number of qualified electors required in each legislative representative district and in the state is determined by the number of votes cast for the office of governor in 1992. (See chart in *Appendix* for numbers; see also Article III, Sections 4 and 5, and Article XIV, Sections 2, 8 and 9, in the Montana Constitution.)

Initiative or Referendum: Total of 20,392 signatures needed statewide

The petition must be signed by at least five percent (5%) of the qualified electors in the state at large, including at least five percent (5%) in at least one-third (34) of the legislative districts.

To suspend an enacted statute when referred to a vote:

An act referred to the people is in effect until suspended by referendum petitions signed by at least fifteen percent (15%) of the qualified electors in at least a majority of the legislative representative districts (51).

Constitutional Initiative for amendment or calling a constitutional convention: Total of 40,783 signatures needed statewide

The petition must be signed by at least ten percent (10%) of the qualified electors in the state at large, including at least ten percent (10%) in each of at least two-fifths (40) of the legislative districts.

COMMON MISTAKES

The reason most signatures on petitions are rejected is that the printed last name cannot be read. The printed last name *must* be legible. The signature does not have to be *identical* to the **name** under which a person has registered to vote.

The ballot issue process

However, a signature is more likely to be accepted if it is signed as the person has registered to vote. If the individual is registered as "Sammy Brown" he should sign as such, *not as* "J. Samuel Brown".

Another error occurs when someone signs a petition, and then signs for another person, such as his or her spouse. Such signatures will be rejected. Each individual must sign a petition only of their own accord.

AFFIDAVIT OF PETITION CIRCULATOR REQUIRED

An Affidavit of Petition Circulator must accompany each sheet or section of petitions when filed with the county election administrator. (See *Appendix* for sample.) The Affidavit must be signed and notarized for each petition sheet or section of sheets circulated, even if the petitions are filed in groups.

DEADLINES FOR SUBMISSION AND FILING OF PETITION SHEETS

(See calendar in front of this booklet for proper dates and statute references.)

Submission to County Officials

Constitutional Amendments and Statutory Initiatives. Signed sheets or sections of petitions must be submitted no sooner than 9 months and no later than 4 weeks before the final date for filing the petition with the Secretary of State.

Referendum Petitions. Signed sheets or sections of petitions must be submitted no later than 5 months after adjournment of the legislature which passed the act.

Filing with the Secretary of State

Constitutional Amendments and Statutory Initiatives. Certified sheets or sections of petitions must be forwarded by the county election administrator for filing with the Secretary of State before 5 p.m. of the third Friday of the fourth month prior to the election at which the measure is to be voted upon by the people.

Referendum Petitions. Certified sheets or sections of petitions must be forwarded by the county election administrator for filing with the Secretary of State no later than 6 months after adjournment of the legislature which passed the act.

GUIDELINES FOR BALLOT ISSUES

WITHDRAWAL OF SIGNATURES

Signers of a petition may withdraw their own names up to the deadline for submission of petitions to county election administrators. A form for withdrawal has been prescribed by the Secretary of State, and is available from any county election administrator.

CERTIFICATION TO GOVERNOR WHEN PETITION IS QUALIFIED

When sheets or sections of a petition containing a sufficient number of signatures have been filed with the Secretary of State, he or she will immediately certify to the governor that the petition has qualified for the ballot.

MAKING THE ARGUMENTS . . .

APPOINTMENT OF PRO AND CON COMMITTEES

Once a petition has qualified to appear on the ballot, committees ~~are~~ formed to write arguments for and against the issue. These arguments appear in ~~an~~ information pamphlet that is distributed to all Montana voters before the election. The size of the committees and who appoints them depends on the type of petition. (See 13-27-402 and 13-27-403, MCA.)

Initiative petitions (constitutional amendments and statutory initiatives). A three-member committee supporting the issue is appointed by the sponsor who submitted the petition. A five-member committee opposing the issue is appointed by the governor, Attorney General, president of the senate and speaker of the house of representatives. The four appointed persons appoint the fifth member.

Referenda from the legislature. A three-member committee supporting the issue is composed of one senator known to favor the measure appointed by the president of the senate, one representative known to favor the measure appointed by the speaker of the house of representatives and one individual (who need not be a legislator) appointed by the first two members. A three-member committee opposing the issue is appointed in the same manner as the committee supporting the issue (but, if possible, members should be known to have opposed the issue).

Referenda from the people. A three-member committee supporting the issue is composed of one senator appointed by the president of the senate, one representative appointed by the speaker of the house of representatives and one individual (who need not be a legislator) appointed by the first two members. A three-member committee opposing the issue is appointed by the sponsor who submitted the petition.

DRAFTING THE ARGUMENTS

The original arguments for or against ~~an~~ issue must be no longer than 500 words, typewritten, and must be filed with the Secretary of State no later than 85 days before the election at which the issue will be voted upon by the people.

GUIDELINES FOR BALLOT ISSUES

Copies of these arguments are provided to the opposing committee, who may prepare a rebuttal argument. The rebuttal must be no longer than 250 words, typewritten, and must be filed with the Secretary of State no later than 10 days after the deadline for filing the original arguments.

Arguments and rebuttals may be rejected if the Secretary of State, in consultation with the Attorney General, hold that the arguments contain obscene, vulgar, profane, libelous or defamatory matter, or if the language incites, promotes or advocates hatred, abuse, violence or hostility toward or shame or ridicule upon any group of persons by reason of race, color, religion or sex, or is otherwise prohibited by law.

THE VOTER INFORMATION PAMPHLET

The Secretary of State prepares a pamphlet to be sent by county election administrators to all households with registered voters. The pamphlet is also available at all voting precincts.

The voter information pamphlet contains, for each ballot issue appearing on the ballot, the ballot title, fiscal note, complete text of the issue, form in which the issue will appear on the ballot, arguments for and against the issue and the rebuttal arguments. The names of the members of the committees who draft the arguments and rebuttals are also included. Other additional information for voters is also usually included in the pamphlet.

AFTER THE ELECTION ...

CANVASS OF VOTES CAST

No later than three (3) days after the election, each county board of ~~canvassers~~ must canvass the votes cast for each ballot issue. The results of the ~~canvass~~ must be certified to the board of state canvassers within 20 days after the election.

EFFECTIVE DATES

Initiative. Unless the petition states otherwise, a statutory initiative approved by the people is effective on October 1 following approval. If the measure delegates rulemaking authority, it cannot be effective sooner than October 1 following approval.

Constitutional Amendment. Unless the legislature or the amendment provides otherwise, a constitutional amendment proposed by the legislature or by initiative and approved by the people is effective on July 1 following approval.

Referendum. Unless the legislature specifically provides an effective date in ~~an~~ issue put before the people, or unless suspended by law, ~~an~~ act referred to the people is in effect as the law provides until it is approved or rejected at the election. The following guidelines also apply:

1. An act that is rejected is repealed effective the date the result of the canvass is filed by the Secretary of State under Section 13-27-503, MCA.
2. An act referred to the people that ~~was~~ in effect at the time of the election and is approved by the people remains in effect.
3. An act that was suspended by a petition and is approved by the people is effective the date the result of the ~~canvass~~ is filed by the Secretary of State under Section 13-27-503, MCA.

GUIDELINES FOR BALLOT ISSUES

4. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people.
5. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective October 1 following the election.

FOR MORE INFORMATION . . .

Anyone needing further information concerning the initiative/referendum process may contact the Elections and Legislative Bureau, Secretary of State, Capitol Station, Helena, MT 59620, or call (406) 444-4732 (voice or TDD for the hearing impaired) or (406) 444-3976 (fax).

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GUIDELINES FOR BALLOT ISSUES

NUMBER OF SIGNATURES NEEDED FOR PETITIONS

The number of signatures required on ballot petitions is based on a percentage of the total number of votes cast for governor in the last general election (1992).

To qualify an initiative or referendum, at least 5% of the votes cast for governor is needed in each of at least 34 legislative house districts. If at least 15% of the votes cast for governor is gathered in each of at least 51 house districts, the enacted statute is suspended pending the outcome of the vote.

To qualify a constitutional amendment or to call a constitutional convention, at least 10% of the votes cast for governor is needed in each of at least 40 house districts.

House District	# votes cast for Governor	# votes needed for . . .		
		5%	10%	15%
1	4,016	201	402	603
2	3,542	178	355	532
3	4,622	232	463	694
4	5,280	264	528	792
5	3,970	199	397	596
6	6,212	311	622	932
7	4,123	207	413	619
8	3,729	187	373	560
9	3,112	156	312	467
10	3,830	192	383	575
11	3,935	197	394	591
12	3,854	193	386	579
13	4,283	215	429	643
14	3,820	191	382	573
15	2,928	147	293	440
16	3,250	163	325	488

Appendix

17	3,510	176	351	527
18	3,429	172	343	515
19	3,974	199	398	597
20	2,952	148	296	443
21	2,893	145	290	434
22	3,041	153	305	457
23	3,242	163	325	487
24	3,326	167	333	499
25	3,372	169	338	506
26	3,066	154	307	460
27	3,702	186	371	556
28	3,756	188	376	564
29	4,361	219	437	655
30	3,852	193	386	578
31	3,832	192	384	575
32	4,044	203	405	607
33	1,158	58	116	174
34	3,805	191	381	571
35	2,965	149	297	445
36	3,840	192	384	576
37	4,012	201	402	602
38	3,444	173	345	517
39	4,535	227	454	681
40	3,411	171	342	512
41	3,874	194	388	582
42	4,183	210	419	628
43	5,598	280	560	840
44	5,339	267	534	801
45	4,378	219	438	657
46	4,857	243	486	729
47	4,684	235	469	703
48	3,521	177	353	529
49	5,188	260	519	779
50	4,965	249	497	745
51	4,267	214	427	641

GUIDELINES FOR BALLOT ISSUES

House District	# votes cast for Governor	# votes needed for ...		
		5%	10%	15%
52	4,119	206	412	618
53	3,574	179	358	537
54	5,069	254	507	761
55	3,972	199	398	596
56	4,057	203	406	609
57	4,538	227	454	681
58	3,765	189	377	565
59	4,833	242	484	725
60	5,057	253	506	759
61	4,607	231	461	692
62	5,244	263	525	787
63	5,448	273	545	818
64	5,100	255	510	765
65	4,489	225	449	674
66	3,420	171	342	513
67	3,077	154	308	462
68	3,230	162	323	485
69	2,951	148	296	443
70	3,789	190	379	569
71	3,578	179	358	537
72	4,450	223	445	668
73	4,122	207	413	619
74	4,953	248	496	743
75	4,646	233	465	697
76	5,050	253	505	758
77	6,862	344	687	1,030
78	6,658	333	666	999
79	3,894	195	390	585
80	4,465	224	447	670
81	5,357	268	536	804
82	3,861	194	387	580
83	5,233	262	524	785

Appendix

House District	# votes cast for Governor	# votes needed for ...		
		5%	10%	15%
84	4,681	235	469	703
85	3,973	199	398	596
86	5,903	296	591	886
87	5,251	263	526	788
88	4,256	213	426	639
89	3,947	198	395	593
90	4,117	206	412	618
91	3,970	199	397	596
92	2,743	138	275	412
93	2,231	112	224	335
94	3,008	151	301	452
95	5,543	278	555	832
96	3,029	152	303	455
97	4,063	204	407	610
98	2,898	145	290	435
99	3,348	168	335	503
100	2,517	126	252	378
Total*	407,828	20,392	40,783	

*Sum of percent totals may not equal the number of votes cast for Governor due to rounding of fractions.

GUIDELINES FOR BALLOT ISSUES

AFFIDAVIT FOR PERSON CIRCULATING PETITIONS

I, _____ (name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.

Signature of petition circulator

Address of petition circulator

City, state and zip code

Subscribed and sworn to before me this _____ day of
_____, 199___.

Signature of person authorized to take oaths

SEAL

Title or notarial information

Appendix

PETITION TO PLACE INITIATIVE NO. ____ ON THE ELECTION BALLOT

If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is 20,392, this measure will appear on the next general election ballot. If a majority of voters vote for this measure at that election, it will become law.

We, the undersigned Montana voters, propose that the secretary of state place the following measure on the November 8, 1994, general election ballot:

(Title of measure [statement of purpose]
written by Attorney General)

(Fiscal statement, if applicable, supplied by Attorney General)

- FOR (statement of implication of a vote for the measure, written by Attorney General)
- AGAINST (statement of implication of a vote against the measure, written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., if applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than one for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her name and address in substantially the same manner as on his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
1.			
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4.			

(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

GUIDELINES FOR BALLOT ISSUES

PETITION TO PLACE REFERENDUM NO. ____ ON THE ELECTION BALLOT

If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is 20,392, Senate (House) Bill Number ____ will appear on the next general election ballot. If a majority of voters vote for this measure in that election it will become law.

We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number ____, passed by the legislature on _____ on the next general election ballot:

(Title of referendum [statement of purpose]
written by Attorney General)

(Fiscal note, if applicable, supplied by Attorney General)

- FOR (statement of implication of a vote for the measure, written by Attorney General)
- AGAINST (statement of implication of a vote against the measure, written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., if applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR ~~OR~~ ATTACHED)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her name and address in substantially the same manner as on his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
1.			
2.			
3.			
4.			

(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

Appendix

PETITION TO PLACE CONSTITUTIONAL AMENDMENT NO. ON THE ELECTION BALLOT

If 10% of the voters in each of 40 legislative districts sign this petition and the total number of ~~voters~~ signing the petition is 40,783, this constitutional amendment will appear ~~on~~ the ~~next~~ general election ballot. If a majority of voters vote for this amendment ~~at~~ that election, it will become part of the constitution.

We, the undersigned Montana voters, propose that the secretary of ~~state~~ place the following constitutional amendment on the November 8, 1994, general election ballot:

(Title of constitutional amendment [statement of purpose]
written by Attorney General)

(Fiscal note, if applicable, supplied by Attorney General)

- FOR (statement of implication of a vote for the measure, written by Attorney General)
- AGAINST (statement of implication of a vote against the measure, written by the Attorney General)

Voters ~~are~~ urged ~~to~~ read the complete text of the measure, which appears (on the ~~reverse~~ side of, attached to, etc., ~~or~~ applicable) on this sheet. A signature ~~on~~ this petition is only ~~to~~ put the constitutional amendment ~~on~~ the ballot and does not necessarily ~~mean~~ the signer agrees with the amendment.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR ~~OR~~ ATTACHED)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs ~~more~~ than one for the ~~one~~ issue at ~~one~~ election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her ~~name~~ and address in substantially the ~~same~~ manner as on his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
1.			
2.			
3.			
4.			

(numbered lines continued ~~to~~ fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

GUIDELINES FOR BALLOT ISSUES

PETITION TO PLACE INITIATIVE NO. , CALLING FOR A CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is 40,783, the question of whether to have a constitutional convention will appear ~~on~~ the next general election ballot. If a majority of voters vote for the constitutional convention the legislature will call for a constitutional convention at its next session.

We, the undersigned Montana voters, propose that the secretary of ~~state~~ place the question of whether to hold a constitutional convention on the November 8, 1994, general election ballot:

(Title of initiative [statement of purpose]
written by Attorney General)

(Fiscal note, if applicable, supplied by Attorney General)

- FOR (statement of implication of a vote for the measure, written by Attorney General)
 AGAINST (statement of implication of a vote against the measure, written by the Attorney General)

A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily ~~mean~~ the signer is in favor of calling a constitutional convention.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs ~~a~~ ~~name~~ other than his/her ~~own~~ ~~on~~ this petition or who signs ~~more~~ than once for the ~~same~~ issue at ~~one~~ election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her ~~name~~ and address in substantially the ~~same~~ ~~manner~~ ~~as~~ ~~on~~ his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
1.			
2.			
3.			
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(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

Appendix

(reverse of petition sheet; use appropriate heading below)

PETITION TO PLACE INITIATIVE NO. ____ ON THE ELECTION BALLOT

PETITION TO PLACE REFERENDUM NO. ____ ON THE ELECTION BALLOT

PETITION TO PLACE INITIATIVE NO. ____, CALLING
FOR A CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

PETITION TO PLACE CONSTITUTIONAL
AMENDMENT NO. ____ ON THE ELECTION BALLOT

(Title of ~~measure~~ [statement of purpose]
written by Attorney General)

WARNING

A person who purposefully signs ~~a name~~ other than his/her own to this petition or who signs ~~more than one~~ for the same issue ~~at one~~ election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her ~~name~~ and address in substantially the same ~~manner~~ as on his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
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2.			
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(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

GUIDELINES FOR BALLOT ISSUES

ARTICLE III

GENERAL GOVERNMENT

Section

1. Separation of powers.
 2. Continuity of government.
 3. Oath of office.
 4. Initiative.
 5. Referendum.
 6. Elections.
 7. Number of electors.
 8. Prohibition.
 9. Gambling.
-

Article Cross-References

Popular sovereignty, Art. II, sec. 1, Mont. Const.

Right to know, Art. II, sec. 9, Mont. Const.
Constitutional revision, Art. XIV, Mont. Const.

Self-government, Art. II, ~~sec.~~ 2, Mont. Const.

Right of participation in government, Art. II, sec.
8, Mont. Const.

[Sections 1 - 3 omitted.]

Section 4. Initiative. (1) The people may enact laws by initiative ~~on~~ all matters except appropriations of money and local or special laws.

(2) Initiative petitions must contain the full text of the proposed measure, shall be signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts and the total number of signers must be at least five percent of the total qualified electors of the state. Petitions shall be filed with the secretary of state at least three months prior to the election at which the ~~measure~~ will be voted upon.

(3) The sufficiency of the initiative petition shall not be questioned after the election is held.

Cross-References

Referendum, Art. III, sec. 5, Mont. Const.

Signature of Governor not required, Art. VI, sec.
10, Mont. Const.

Elections, Art. III, sec. 6, Mont. Const.

Initiative and referendum in local government
units, Art. XI, sec. 8, Mont. Const.

Number of electors, Art. III, sec. 7, Mont. Const.

Initiative for Constitutional Convention, Art. XIV,
sec. 2, Mont. Const.

Inapplicable to constitutional revision, Art. III,
sec. 8, Mont. Const.

Constitutional amendment by initiative, Art. XIV,
sec. 9, Mont. Const.

Appendix

Montana Recall Act, Title 2, ch. 16, part 6.

Initiative procedures, Title 13, ch. 27.

Verification of signatures by county officials — allocating voters following reapportionment, 13-27-303.

Statutory appropriations, Title 17, ch. 7, part 5.

Initiative or referendum required to approve construction of nuclear facility, 75-20-201.

Constitutional Convention Transcript

Cross-References

Adoption, Trans. 3009, 3010.

Committee report, Vol. II 815, 816, 819, 820, 1019, 1020, 1022, 1023, 1025, 1043.

Cross-references, 1889 and 1972 Constitutions, Vol. II 826.

Debate — committee report, Trans. 2689, 2695 through 2717, 2780, 2781, 2785, 2786.

Debate — style and drafting report, Trans. 2820 through 2825, 2921, 2922, 2996.

Delegate proposals, Vol. I 257, 258, 277, 278.

Final consideration, Trans. 2846, 2847.

Text ■ adopted, Vol. II 1090.

Section 5. Referendum. (1) The people may approve or reject by referendum any act of the legislature except an appropriation of money. A referendum shall be held either upon order by the legislature or upon petition signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts. The total number of signers must be at least five percent of the qualified electors of the state. A referendum petition shall be filed with the secretary of state no later than six months after adjournment of the legislature which passed the act.

(2) An act referred to the people is in effect until suspended by petitions signed by at least 15 percent of the qualified electors in a majority of the legislative representative districts. If so suspended the act shall become operative only after it is approved at an election, the result of which has been determined and declared as provided by law.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.

Elections, Art. III, sec. 6, Mont. Const.

Number of qualified electors, Art. III, sec. 7, Mont. Const.

Inapplicable to constitutional revision, Art. III, sec. 8, Mont. Const.

Signature of Governor not required, Art. VI, sec. 10, Mont. Const.

Initiative and referendum in local government units, Art. XI, sec. 8, Mont. Const.

Referendum to call Constitutional Convention, Art. XIV, sec. 1, Mont. Const.

Constitutional amendment by referendum, Art. XIV, sec. 8, Mont. Const.

Referendum procedures, Title 13, ch. 27.

Verification of signatures by county officials — allocating voters following reapportionment, 13-27-303.

Statutory appropriations, Title 17, ch. 7, part 5.

Initiative or referendum required to approve construction of nuclear facility, 75-20-201.

Constitutional Convention Transcript

Cross-References

Adoption, Trans. 3009, 3010.

Committee report, Vol. II 816, 820, 1020, 1023, 1025, 1043, 1044.

Cross-references, 1889 and 1972 Constitutions, Vol. II 826.

Debate — committee report, Trans. 2717, 2718.

Debate — style and drafting report, Trans. 2822, 2823, 2825, 2826, 2921, 2922, 2996.

Delegate proposals, Vol. I 257, 258, 277, 278.

Final consideration, Trans. 2847, 2848.

Text ■ adopted, Vol. II 1090.

GUIDELINES FOR BALLOT ISSUES

Section 6. Elections. The people shall vote ~~on~~ initiative and referendum measures at the general election unless the legislature orders ~~a~~ special election.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.
Referendum, Art. III, sec. 5, Mont. Const.
Inapplicable to constitutional revision, Art. III, ~~sec.~~ 8, Mont. Const.
Definition of "general election" for purposes of ballot issues, 13-1-101(8).

Times for holding general elections, 13-1-104.
Notice of special election, 13-1-108.
Initiative and referendum procedures, Title 13, ch. 27.

Constitutional Convention Transcript

Cross-References

Adoption, Trans. 3009, 3010.
Committee report, Vol. II 816, 820, 1020, 1023, 1025, 1044.
Cross-references, 1889 and 1972 Constitutions, Vol. II 826.
Debate — committee report, Trans. 2718.
Debate — style and drafting report, Trans. 2826, 2921, 2922, 2996.
Delegate proposals, Vol. I 258, 277.
Final consideration, Trans. 2848, 2849.
Text ~~as~~ adopted, Vol. II 1090.

Section 7. Number of electors. The number of qualified electors required in each legislative representative district and in the state shall be determined by the number of votes cast for the office of governor in the preceding general election.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.
Referendum, Art. III, sec. 5, Mont. Const.
Districting and apportionment, Art. V, sec. 14, Mont. Const.
Districting and Apportionment Commission, Title 5, ch. 1.
Times for general election, 13-1-104.
Election records to be maintained by Secretary of State, 13-1-204.
Report of ~~the~~ ~~state~~ filed in office of Secretary of State, 13-15-506.

Constitutional Convention Transcript

Cross-References

Adoption, Trans. 3009, 3010.
Committee report, Vol. II 816, 821, 1020, 1023, 1025, 1044.
Cross-references, 1889 and 1972 Constitutions, Vol. II 826.
Debate — committee report, Trans. 2718, 2719.
Debate — style and drafting report, Trans. 2826, 2827, 2921, 2922, 2996.
Delegate proposals, Vol. I 258, 277.
Final consideration, Trans. 2849 through 2851.
Text ~~as~~ adopted, Vol. II 1090.

Section 8. Prohibition. The provisions of this Article do not apply to CONSTITUTIONAL REVISION, Article XIV.

Constitutional Convention Transcript

Cross-References

Adoption, Trans. 3009, 3010.
Committee report, Vol. II 816, 821, 1020, 1023 through 1025, 1044.
Cross-references, 1889 and 1972 Constitutions, Vol. II 826. Debate — committee report, Trans. 2720.

Debate — style and drafting report, Trans. 2827,

2921, 2922, 2996.

Final consideration, Trans. 2851, 2852.

Text ~~as~~ adopted, Vol. II 1090.

Appendix

Section 9. Gambling. All forms of gambling, lotteries, and gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.

Referendum, Art. III, sec. 5, Mont. Const.

Procedures for initiative and referendum, Title 13, ch. 27.

Parimutuel betting, Title 23, ch. 4, part 3.

Gambling, Title 23, ch. 5.

Video draw poker and keno machines, Title 23, ch. 5, part 6.

Fights between animals unlawful, 45-8-211.

Constitutional Convention Transcript

Cross-References

Adoption, Trans. 3009, 3010.

Committee report, Vol. II 816, 822, 825, 1020, 1024, 1025, 1044, 1080, 1081, 1108.

Cross-references, 1889 and 1972 Constitutions, Vol. II 826.

Debate — adoption schedule, Trans. 2997.

Debate — committee report, Trans. 2728 through 2760.

Debate — style and drafting report, Trans. 2828, 2921, 2922, 2996.

Delegate proposals, Vol. I 115, 121, 237, 247.

Final consideration, Trans. 2853, 2854.

Text ■ adopted, Vol. II 1090.

ARTICLE IV

SUFFRAGE AND ELECTIONS

Section

1. Ballot.
 2. Qualified elector.
 3. Elections.
 4. Eligibility for public office.
 5. Result of elections.
 6. Privilege from arrest.
 7. Ballot issues — challenges — elections.
-

Article Cross-References

Popular sovereignty, Art. II, ■ 1, Mont. Const.

Self-government, Art. II, sec. 2, Mont. Const.

General government, Art. III, Mont. Const. The legislative branch, Art. V, Mont. Const.

The executive branch, Art. VI, Mont. Const.

The judicial branch, Art. VII, Mont. Const.

Elections, Art. IV, Mont. Const.; Title 13.

[Sections 1 - 6 omitted.]

Section 7. Ballot issues — challenges — elections. (1) An initiative or referendum that qualifies for the ballot under Article III or Article XIV shall be submitted to the

GUIDELINES FOR BALLOT ISSUES

qualified electors as provided in the Article under which the initiative or referendum qualified unless a new election is held pursuant to this section.

(2) A preelection challenge to the procedure by which an initiative or referendum qualified for the ballot or a postelection challenge to the manner in which the election was conducted shall be given priority by the courts.

(3) If the election on an initiative or referendum properly qualifying for the ballot is declared invalid because the election was improperly conducted, the secretary of state shall submit the issue to the qualified electors at the next regularly scheduled statewide election unless the legislature orders a special election.

History: En. Const. Amend. No. 21, 1990.

ARTICLE XIV

CONSTITUTIONAL REVISION

Section

1. Constitutional convention.
2. Initiative for constitutional convention.
3. Periodic submission.
4. Call of convention.
5. Convention expenses.
6. Oath, vacancies.
7. Convention duties.
8. Amendment by legislative referendum.
9. Amendment by initiative.
10. Petition signers.
11. Submission.

Article Cross-References

Popular sovereignty, Art. II, sec. 1, Mont. Const.

Elections, Art. IV, Mont. Const.; Title 13.

Self-government, Art. II, sec. 2, Mont. Const.

Secretary of State -- custody of enrolled copy of Constitution, 2-6-111.

Provisions of Article III, Mont. Const.
inapplicable, Art. III, sec. 8, Mont. Const.

Section 1. Constitutional convention. The legislature, by an affirmative vote of two-thirds of all the members, whether one or more bodies, may at any time submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution.

Appendix

Cross-References

- Legislature, Art. V, Mont. Const.; Title 5.
Periodic submission of question, Art. XIV, sec. 3,
Mont. Const.; 13-1-121; 13-1-122.
Ballot issues, Title 13, ch. 27.
- Constitutional Convention Transcript**
- Cross-References**
- Adoption, Trans. 2944, 2945.
Committee report, Vol. I 352, 353, 356 through
360; Vol. II 851 through 854, 856 through 858,
1078.

Section 2. Initiative for constitutional convention. (1) The people may by initiative petition direct the secretary of state to submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution. The petition shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The secretary of state shall certify the filing of the petition in his office and cause the question to be submitted at the next general election.

Cross-References

- Legislative districting and apportionment, Art. V, sec. 14, Mont. Const.; Title 5, ch. 1.
Petition signers, Art. XIV, sec. 10, Mont. Const.
Times for holding general elections, 13-1-104.
Qualified voter, 13-1-111.
Ballot issues generally, Title 13, ch. 27.
Form of petition for initiative for constitutional convention, 13-27-201, 13-27-202, 13-27-206.
- Constitutional Convention Transcript**
- Cross-References**
- Adoption, Trans. 2944, 2945.
Committee report, Vol. I 352, 356 through 358;
Vol. II 851, 853, 856, 857, 1078.

Section 3. Periodic submission. If the question of holding a convention is not otherwise submitted during any period of 20 years, it shall be submitted as provided by law at the general election in the twentieth year following the last submission.

Cross-References

- Periodic submission — ballot form, 13-1-121,
13-1-122.
- Constitutional Convention Transcript**
- Cross-References**
- Adoption, Trans. 2944, 2945.

- Cross-references, 1889 and 1972 Constitutions,**
Vol. I 365. **Debate — committee report,**
Trans. 453 through 455, 470, 471.
Debate — style and drafting report, Trans. 1187
through 1189, 2929.
Delegate proposals, Vol. I 150, 151, 158, 209
through 211, 226, 227.
Final consideration, Trans. 1868 through 1870,
1909, 1910.
Text ■ adopted, Vol. II 1103.

- Cross-references, 1889 and 1972 Constitutions,**
Vol. I 365.
Debate — committee report, Trans. 454 through
462, 471 through 476, 2698 through 2700.
Debate — style and drafting report, Trans. 1189,
2929.
Delegate proposal, Vol. I 209.
Final consideration, Trans. 1870, 1910, 1911.
Text ■ adopted, Vol. II 1103.

GUIDELINES FOR BALLOT ISSUES

Debate — style and drafting report, Trans. 1189, 1190, 2929.

Delegate proposals, Vol. I 158, 209, 210, 227.

Final consideration, Trans. 1911, 1912.
Text ~~as~~ adopted, Vol. II 1103.

Section 4. Call of convention. If a majority of those voting on the question ~~answer~~ in the affirmative, the legislature shall provide for the calling thereof at its next session. The number of delegates to the convention shall be the ~~same~~ as that of the larger body of the legislature. The qualifications of delegates shall be the ~~same~~ as the highest qualifications required for election to the legislature. The legislature shall determine whether the delegates may be nominated on a partisan or a non-partisan basis. They shall be elected at the same places and in the ~~same~~ districts as are the members of the legislative body determining the number of delegates.

Cross-References

Legislature, Art. V, Mont. Const.; Title 5.

Determination of result of election on ballot issue, 13-27-503.

Copy of approved issues to be sent to Legislative Council, 13-27-504.

Constitutional Convention Transcript

Cross-References

Adoption, Trans. 2944, 2945.

Committee report, Vol. I 352, 356, 359, 360; Vol. II 851, 853, 854, 856, 857, 1078.

Cross-references, 1889 and 1972 Constitutions, Vol. I 365.

Debate — committee report, Trans. 454, 481 through 485 [referred to as section 5], 489, 490 [referred to as section 7].

Debate — style and drafting report, Trans. 1190, 1191, 2929.

Delegate proposals, Vol. I 150, 158, 210, 226, 227.

Final consideration, Trans. 1912 through 1914.
Text ~~as~~ adopted, Vol. II 1103.

[Sections 5 and 6 omitted.]

Section 7. Convention duties. The convention shall meet after the election of the delegates and prepare such revisions, alterations, or amendments to the constitution as may be deemed necessary. They shall be submitted to the qualified electors for ratification or rejection as a whole or in separate articles or amendments as determined by the convention at an election appointed by the convention for that purpose not less than two months after adjournment. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration, or amendment shall take effect.

Cross-References

Right of people to abolish or alter Constitution, Art. II, sec. 2, Mont. Const.

Time and place of meeting, Art. XIV, sec. 5, Mont. Const.

Notice of special election, 13-1-108.

Qualified voter, 13-1-111.

Ballot issues, Title 13, ch. 27.

Constitutional Convention Transcript

Cross-References

Adoption, Trans. 2944, 2945.

Committee report, Vol. I 353, 357, 360; Vol. II 852, 854, 856, 858, 1078, 1079.

Cross-references, 1889 and 1972 Constitutions, Vol. I 365.

Debate — committee report, Trans. 454, 490, 491, 526 through 528 [referred to as section 1].

Appendix

Debate — style and drafting report, Trans. 1191, 1192, 2929.

Delegate proposals, Vol. I 150, 151, 210, 226, 227.

~~Final~~ consideration, Trans. 1916, 1917.
Text ~~is~~ adopted, Vol. II 1104.

Section 8. Amendment by legislative referendum. Amendments to this constitution may be proposed by any member of the legislature. If adopted by ~~an~~ affirmative roll call vote of two-thirds of all the members thereof, whether ~~one~~ or ~~more~~ bodies, the proposed amendment shall be submitted to the qualified electors at the next general election. If approved by a majority of the electors voting thereon, the amendment shall become a part of this constitution on the first day of July after certification of the election returns unless the amendment provides otherwise.

Cross-References

Right of people to alter Constitution, Art. II, sec. 2, Mont. Const.; 13-27-201.

Legislature, Art. V, Mont. Const.; Title 5.

Definition of "general election" for purposes of ballot issues, 13-1-101(8).

Times for holding general elections, 13-1-104.

Qualified voter, 13-1-111.

Ballot issues generally, Title 13, ch. 27.

Effective date of amendments approved by the people, 13-27-105.

Verification of signatures by county officials — allocating voters following reapportionment, 13-27-303.

Transmittal to Attorney General of amendments referred by Legislature, 13-27-310.

Publication of proposed amendments, 13-27-311.

Statements of Attorney General on issues referred by Legislature, 13-27-315, 13-27-316.

Certification of ballot form, 13-27-501.

Determination of result of election ~~on~~ ballot issue, 13-27-503.

Copies of approved issues to be ~~sent~~ to Legislative Council, 13-27-504.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.

Committee report, Vol. I 353, 354, 357, 360 through 362; Vol. II 852, 854, 856, 858, 1079.

Cross-references, 1889 and 1972 Constitutions, Vol. I 365.

~~Debate~~ — committee report, Trans. 495 through 501, 505, 533, 534 [referred to ~~as~~ section 11], 2711.

Debate — style and drafting report, Trans. 1192, 2929.

Delegate proposals, Vol. I 119, 120, 210, 211, 257.

Final consideration, Trans. 1917, 1918.

Text ~~is~~ adopted, Vol. II 1104.

Section 9. Amendment by initiative. (1) The people may also propose constitutional amendments by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The petitions shall be filed with the secretary of state. If the petitions ~~are~~ found to have been signed by the required number of electors, the secretary of state shall ~~cause~~ the amendment to be published ~~as~~ provided by law twice each month for two months previous to the next regular state-wide election.

GUIDELINES FOR BALLOT ISSUES

(3) At that election, the proposed amendment shall be submitted to the qualified electors for approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution effective the first day of July following its approval, unless the amendment provides otherwise.

Cross-References

Right of people to alter Constitution, Art. II, sec. 2, Mont. Const.; 13-27-201.
Legislative districting and apportionment, Art. V, sec. 14, Mont. Const.; Title 5, ch. 1.
Petition signers, Art. XIV, sec. 10, Mont. Const.
Submission of more than one amendment, Art. XIV, sec. 11, Mont. Const.
Times for holding general elections, 13-1-104.
Times for holding primary elections, 13-1-107.
Qualified voter, 13-1-111.
Ballot issues generally, Title 13, ch. 27.
Effective date of initiatives, 13-27-105.
Form of petition for initiative, 13-27-201, 13-27-202, 13-27-207.
Publication of proposed amendments, 13-27-311.
Review of petition — Attorney General's statement, 13-27-312.

Certification of ballot form, 13-27-501.
Determination of result of election on ballot issue, 13-27-503.

Copies of approved initiative to be sent to Legislative Council, 13-27-504.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.
Committee report, Vol. I 354, 362, 363, 410; Vol. II 852, 854 through 856, 858, 1079.
Debate — committee report, Trans. 491, 492, 505 through 514 [referred to as section 13], 2702 through 2704, 2711, 2745.
Debate — style and drafting report, Trans. 1192 through 1194, 2929.
Delegate proposals, Vol. I 119, 120, 268, 277.
Final consideration, Trans. 1918, 1919.
Text as adopted, Vol. II 1104.

Section 10. Petition signers. The number of qualified electors required for the filing of any petition provided for in this Article shall be determined by the number of votes cast for the office of governor in the preceding general election.

Cross-References

Initiative for Constitutional Convention, Art. XIV, sec. 2, Mont. Const.
Initiative for constitutional amendment, Art. XIV, sec. 9, Mont. Const.
Times for general election, 13-1-104.
Election records to be maintained by Secretary of State, 13-1-204.
Report of election returns to be filed in office of Secretary of State, 13-15-506.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.
Committee report, Vol. I 354, 362; Vol. II 852, 855, 856, 858, 1079.
Debate — committee report, Trans. 514 [referred to as section 14].
Debate — style and drafting report, Trans. 1194, 1195, 2929.
Delegate proposals, Vol. I 119, 277.
Final consideration, Trans. 1919, 1920.
Text as adopted, Vol. II 1104.

Section 11. Submission. If more than one amendment is submitted at the same election, each shall be so prepared and distinguished that it can be voted upon separately.

Cross-References

Amendment by legislative referendum, Art. XIV, sec. 8, Mont. Const.

Amendment by initiative, Art. XIV, sec. 9, Mont. Const.

Certification of ballot form, 13-27-501.

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Constitutional Convention Transcript

Cross-References

Adoption, Trans. 2944, 2945.

Committee report, Vol. I 354, 363; Vol. II 852, 855, 856, 858, 1079.

Debate — committee report, Trans. 514 through 522, 534 [referred to in section 15].

Debate — style and drafting report, Trans. 1195, 1196, 2929.

Delegate proposals, Vol. I 119, 120, 211.

Final consideration, Trans. 1920, 1921.

Text ■ adopted, Vol. II 1104.

CHAPTER 27

BALLOT ISSUES

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- 13-27-203. Numbering of petitions.
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- 13-27-305. Retention of copies by county official.
- 13-27-306. Challenge to signatures by elector of county.
- 13-27-307. Consideration and tabulation of signatures by secretary of ■■■■■.
- 13-27-308. Certification of petition to governor.

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- 13-27-309. Repealed.
- 13-27-310. Transmittal of [redacted] referred by the legislature and ballot forms to the attorney general.
- 13-27-311. Publication of proposed constitutional amendments.
- 13-27-312. Review of petition by attorney general — preparation of [redacted] — fiscal note.
- 13-27-313. Review of ballot forms by attorney general.
- 13-27-314. Repealed.
- 13-27-315. Statements by attorney general on issues referred by legislature.
- 13-27-316. Court review of attorney general [redacted].

Part 4 – Voter Information Pamphlets

- 13-27-401. Voter information pamphlet.
- 13-27-402. Committees to prepare arguments for and against ballot issues.
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- 13-27-404. Committee chairman.
- 13-27-405. Committee expenses.
- 13-27-406. Limitation on length of argument — time of filing.
- 13-27-407. Rebuttal arguments.
- 13-27-408. Rejection of improper arguments.
- 13-27-409. Liability for [redacted] of argument.
- 13-27-410. Printing and distribution of voter information pamphlet.

Part 5 – Election Procedure

- 13-27-501. Secretary of [redacted] to certify ballot form — abbreviated ballot.
- 13-27-502. Preparation of ballots by county officials.
- 13-27-503. Determination of result of election.
- 13-27-504. Copy of approved issues to be [redacted] to legislative council.

Chapter Cross-References

- Initiative, Art. III, [redacted] 4, Mont. Const.
- Referendum, Art. III, [redacted] 5, Mont. Const.
- Initiative for constitutional convention, Art. XIV, sec. 2, Mont. Const.
- Constitutional amendment by legislative referendum, Art. XIV, sec. 8, Mont. Const.
- Constitutional amendment by initiative, Art. XIV, sec. 9, Mont. Const.
- Form for local government initiative and referendum, 7-5-132.

Form of petition calling for election on question of issuing county bonds, 7-7-2224.

Form of petition for creation of urban transportation district, 7-14-204.

Definitions applicable to this chapter, 13-1-101.

Initiative or referendum required to approve nuclear facility, 75-20-201.

Form of ballot to summarize improvements to drainage district assessments, 85-8-624.

Appendix

Part 1

General Provisions

13-27-101. Establishment of initiative and referendum procedures. The right of the people to petition to enact laws by initiative, to petition to approve or reject by referendum any act of the legislature except an appropriation of money, to call for a vote on whether there shall be a constitutional convention, and to propose constitutional amendments by initiative as guaranteed by The Constitution of the State of Montana may be exercised through adherence to the procedures established in this chapter.

History: En. 37-115 by Sec. 1, Ch. 342, L. 1977; R.C.M. 1947, 37-115.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.

Referendum, Art. III, sec. 5, Mont. Const.

Initiative for constitutional convention, Art. XIV, sec. 2, Mont. Const.

Constitutional amendment by initiative, Art. XIV, sec. 9, Mont. Const.

Verification of signatures by county officials – allocating ~~votes~~ following reapportionment, 13-27-303.

13-27-102. Who may petition. A petition for the initiative, the referendum, or to call a constitutional convention may be signed only by a qualified elector of the state of Montana.

History: En. 37-116 by Sec. 2, Ch. 342, L. 1977; R.C.M. 1947, 37-116(part).

Cross-References

Qualified elector, Art. IV, sec. 2, Mont. Const.

13-27-103. Sufficiency of signature. A signature may not be counted unless the elector has signed in substantially the same manner as on the voter registry card. If the elector is registered with a first and middle name, the use of an initial instead of either the first or middle name, but not both names, need not disqualify the signature. The signature may be counted so long as the signature, taken as a whole, bears sufficient similarity to the signature on the registry card as to provide reasonable certainty of its authenticity.

History: En. 37-116 by Sec. 2, Ch. 342, L. 1977; R.C.M. 1947, 37-116(part); amd. Sec. 1, Ch. 494, L. 1979.

Cross-References

Register of electors, 13-2-112.

13-27-104. Time for filing. Unless a specific time for filing is provided in the constitution, all petitions filed with the secretary of state, certified as provided by law,

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must be received before 5 p.m. of the third Friday of the fourth month prior to the election at which they ~~are~~ to be voted upon by the people.

History: En. 37-125 by Sec. 11, Ch. 342, L. 1977; R.C.M. 1947, 37-125; amd. Sec. 4, Ch. 359, L. 1991.

Compiler's Comments 1991

1991 Amendment: Near middle substituted reference to third Friday for reference ~~to~~ second Friday.

Cross-References

Time for filing of petition for initiative, Art. III, sec. 4, Mont. Const.

Time for filing of petition for referendum, Art. III, ~~sec.~~ 5, Mont. Const.

13-27-105. Effective date of initiative and referendum issues. (1) Unless the petition placing ~~a~~ initiative issue ~~on~~ the ballot states otherwise, ~~an~~ initiative issue, other than a constitutional amendment, approved by the people is effective ~~on~~ October 1 following approval. If the issue delegates rulemaking authority, it is effective ~~no sooner~~ than October 1 following approval.

(2) A constitutional amendment proposed by initiative or by the legislature and approved by the people ~~is~~ effective ~~on~~ July 1 following approval unless the amendment provides otherwise.

(3) Unless specifically provided by the legislature ~~in~~ an act referred by it to the people or until suspended by ~~a~~ petition signed by at least 15% of the qualified electors in a majority of the legislative representative districts, ~~an~~ act referred to the people is in effect ~~as~~ provided by law until it is approved or rejected ~~at~~ the election. An act that is rejected is repealed effective the date the result of the ~~canvass~~ is filed by the secretary of state under 13-27-503. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect. An act that ~~was~~ suspended by ~~a~~ petition and is approved by the people is effective the date the result of the ~~canvass~~ is filed by the secretary of state under 13-27-503. An act referred by the legislature that contains ~~an~~ effective date following the election becomes effective ~~on~~ that date if approved by the people. An act that provides ~~no~~ effective date and whose substantive provisions ~~were~~ delayed by the legislature pending approval at ~~an~~ election and that is approved ~~is~~ effective October 1 following the election.

History: En. 37-137 by Sec. 23, Ch. 342, L. 1977; R.C.M. 1947, 37-137; amd. Sec. 1, Ch. 73, L. 1981; amd. Sec. 8, Ch. 79, L. 1983; amd. Sec. 16, Ch. 298, L. 1987.

Cross-References

Suspension by petition, Art. III, sec. 5, Mont.
Const.

Constitutional amendment by initiative, Art. XIV, sec. 9, Mont. Const.

13-27-106. Violations – penalties. A person who knowingly makes a false entry upon ~~a~~ petition or affidavit required by this chapter or who knowingly signs a petition to place the ~~same~~ issue ~~on~~ the ballot ~~at~~ the ~~same~~ election ~~more than once~~ is guilty of unsworn

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falsification or tampering with public records or information, as appropriate, and is punishable as provided in 45-7-203 or 45-7-208, as applicable.

History: En. 37-138 by Sec. 24, Ch. 342, L. 1977; R.C.M. 1947, 37-138.

Part 2

Form of Petitions

13-27-201. Form of petition generally. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue of the bill drafting manual furnished by the legislative council. If sheets are circulated in sections, the complete text of the measure must be attached to each section.

History: En. 37-117 by Sec. 3, Ch. 342, L. 1977; R.C.M. 1947, 37-117(1), (2); amd. Sec. 1, Ch. 400, L. 1979.

13-27-202. Recommendations -- approval of form required. (1) Before submission of a sample sheet to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

- (a) The text of the proposed measure must be submitted to the legislative council for review.
- (b) The council staff shall review the text for clarity, consistency, and any other factors the council staff considers when drafting proposed legislation.
- (c) Within 14 days after submission of the text, the council staff shall make to the person submitting the text written recommendations for changes in the text or a statement that no changes are recommended.

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(d) The person submitting the text shall consider any such recommendations and respond in writing to the council, accepting, rejecting, or modifying each of the recommended changes. If no changes are recommended, no response is required.

(2) The legislative council shall furnish a copy of the correspondence provided for in subsection (1) to the secretary of state, who shall make a copy thereof available to any person upon request.

(3) Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing the signed petition with the secretary of state. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval. The secretary of state and attorney general must each review the petition for sufficiency a to form and approve or reject the form of the petition, stating the reasons for rejection, if any. The secretary of state or the attorney general may not reject the petition solely because the text contains material not submitted to the legislative council unless the material not submitted to the legislative council is a substantive change not suggested by the legislative council.

(4) The secretary of state shall review the comments and statements of the attorney general received pursuant to 13-27-312 and make a final decision a to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval or rejection within 28 days after submission of the petition sheet. If the petition is rejected, the notice must include reasons for rejection.

(5) A petition with technical defects in form may be approved with the condition that those defects will be corrected before the petition is circulated for signatures.

(6) The secretary of state shall upon request provide the person submitting the petition with a sample petition form, including the text of the proposed measure, the statement of purpose, and the statements of implications, all as approved by the secretary of state and the attorney general. The petition may be circulated in the form of the sample prepared by the secretary of state.

History: En. 37-117 by Sec. 3, Ch. 342, L. 1977; R.C.M. 1947, 37-117(3); amd. Sec. 2, Ch. 400, L. 1979; amd. Sec. 1, Ch. 488, L. 1981; amd. Sec. 1, Ch. 4, L. 1983; amd. Sec. 5, Ch. 359, L. 1991.

Compiler's Comments 1991

1991 Amendment: In (3) inserted a regarding rejection of a petition based on material not submitted to Legislative Council; in (4), in second sentence after "approval", inserted "or rejection" and substituted third sentence requiring that reasons for rejection be included in

petition for former third sentence that read: "The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within 14 days after submission of the petition sheet"; inserted (5) regarding petition with technical defects; and inserted (6) concerning preparation of a sample petition form.

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13-27-203. Numbering of petitions. The secretary of state shall serially number all submitted petitions that ~~are~~ approved as to form continuously from year to year. The numbering system shall distinguish the different types of petitions received and include provisions for numbering measures referred to the people by the legislature.

History: En. 37-117 by Sec. 3, Ch. 342, L. 1977; R.C.M. 1947, 37-117(4).

13-27-204. Petition for the initiative. (1) The following is substantially the form for a petition calling for a vote to enact a law by the initiative:

PETITION TO PLACE
INITIATIVE NO. ____ ON
THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is, this ~~measure~~ will appear on the next general election ballot. If a majority of voters vote for this ~~measure~~ at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of ~~state~~ place the following ~~measure~~ on the , 19..., general election ballot:

(Title of ~~measure~~ written pursuant to 13-27-312)
(Statement of implication written pursuant to 13-27-312)

(c) Voters ~~are~~ urged to read the complete text of the measure, which appears (on the ~~reverse~~ side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the ~~measure~~ on the ballot and does not necessarily mean the signer agrees with the ~~measure~~.

(d) **WARNING**

A person who purposefully signs a ~~name~~ other than his/her ~~own~~ to this petition or who signs more than once for the ~~same~~ issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her ~~name~~ and address in substantially the ~~same manner~~ as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last ~~name~~ of the signer.

History: En. 37-118 by Sec. 4, Ch. 342, L. 1977; R.C.M. 1947, 37-118; amd. Sec. 2, Ch. 488, L. 1981.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.

Verification of signatures by county officials —
allocating voters following reapportionment, 13-27-303.

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13-27-205. Petition for ~~the~~ referendum. (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

**PETITION TO PLACE REFERENDUM NO. _____
ON THE ELECTION BALLOT**

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is, Senate (House) Bill Number will appear on the next general election ballot. If a majority of voters vote for this measure at that election it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number, passed by the legislature on on the next general election ballot:

(Title of referendum written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

History: En. 37-119 by Sec. 5, Ch. 342, L. 1977; R.C.M. 1947, 37-119; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 3, Ch. 488, L. 1981.

Cross-References

Referendum, Art. III, sec. 5, Mont. Const.

Verification of signatures by county officials – allocating voters following reapportionment, 13-27-303.

13-27-206. Petition for initiative for constitutional convention. (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there shall be a constitutional convention:

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**PETITION TO PLACE
INITIATIVE NO. ___, CALLING FOR
A CONSTITUTIONAL CONVENTION, ON
THE ELECTION BALLOT**

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention the legislature will call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the, 19..., general election ballot:

(Title of the initiative written pursuant to 13-27-312)
(Statement of implication written pursuant to 13-27-312)

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine or 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall also contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

History: En. 37-120 by Sec. 6, Ch. 342, L. 1977; R.C.M. 1947, 37-120; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 4, Ch. 488, L. 1981.

Cross-References

Initiative for constitutional convention, Art. XIV,
sec. 2, Mont. Const.

Verification of signatures by county officials –
allocating voters following reapportionment, 13-27-
303.

13-27-207. Petition for initiative for constitutional amendment. (1) The following is substantially the form for a petition for the initiative to amend the constitution:

GUIDELINES FOR BALLOT ISSUES

PETITION TO PLACE CONSTITUTIONAL AMENDMENT NO. ____ ON THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing the petition is, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment in that election, it will become part of the constitution.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the , 19..., general election ballot:

(Title of the proposed constitutional amendment

written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., if applicable) on this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

History: En. 37-121 by Sec. 7, Ch. 342, L. 1977; R.C.M. 1947, 37-121; amd. Sec. 5, Ch. 488, L. 1981.

Cross-References

Amendment by initiative, Art. XIV, § 9, Mont. Const.

Verification of signatures by county officials — allocating voters following reapportionment, 13-27-303.

13-27-208. Petitions to be made available in each county election administrator's office. When the secretary of state sends written notice of the approval of the form of a petition as required under 13-27-202(4), he shall forward a copy of the petition, along with signature sheets, to the election administrator of each county. The election administrator shall make a copy of each approved petition available for reading and

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signing in his office during business hours in an election year until the petitions are submitted under 13-27-301. The secretary of state may charge the person who submitted the petition a fee sufficient to reimburse the secretary of state for the cost of providing copies of the petition and signature sheets to each county election administrator.

History: En. Sec. 1, Ch. 158, L. 1991.

Part 3

Submission and Processing of Petitions

13-27-301. Submission of petition sheets -- withdrawal of signatures. (1) Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 9 months and no later than 4 weeks before the final date for filing the petition with the secretary of state.

(2) Signatures may be withdrawn from a petition for constitutional amendment, constitutional convention, initiative, or referendum up to the time of final submission of petition sheets as provided in subsection (1). The secretary of state shall prescribe the form to be used by an elector desiring to have his signature withdrawn from a petition.

History: En. 37-122 by Sec. 8, Ch. 342, L. 1977; R.C.M. 1947, 37-122(1); amd. Sec. 3, Ch. 400, L. 1979; (2)En. Sec. 15, Ch. 298, L. 1987; amd. Sec. 6, Ch. 359, L. 1991.

Compiler's Comments 1991

1991 Amendment: Near end of (1) increased from 2 weeks to 4 weeks the minimum time for submission of signed petitions to county officials.

Cross-References

Election Administrator as registration official, 13-1-301.

Date of filing of petitions, 13-27-104.

13-27-302. Certification of signatures. An affidavit, in substantially the following form, shall be attached to each sheet or section submitted to the county official:

I, (Name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.

.....
(Signature of petition circulator)

.....
(Address of petition circulator)

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Subscribed and sworn to before me this day of , 19....

Seal

.....
(Person authorized to take oaths)

.....
(Title or notarial information)

History: En. 37-122 by Sec. 8, Ch. 342, L. 1977; R.C.M. 1947, 37-122(2); amd. Sec. 6, Ch. 488, L. 1981.

Cross-References

Officers who may administer oaths, 1-6-101.

13-27-303. Verification of signatures by county official -- allocating voters following reapportionment -- duplicate signatures. (1) Except as required by 13-27-104, within 4 weeks after receiving the sheets or sections of a petition, the county official shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall randomly select signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

(2) For the purpose of allocating the signatures of voters among the several legislative representative districts of the state as required to certify a petition for a ballot issue under the provisions of this chapter following the filing of a districting and apportionment plan under 5-1-111 and before members of the house of representatives have been elected and qualified under the plan, the legislative representative districts among which the signatures must be allocated must be those in existence when the plan was filed.

(3) Upon discovery of fraudulent signatures or duplicate signatures of an elector on any issue, the election administrator may submit the name of the elector or the petition circulator, or both, to the county attorney to be investigated under the provisions of 13-27-106 and 13-35-207.

History: En. 37-123 by Sec. 9, Ch. 342, L. 1977; R.C.M. 1947, 37-123(3), (4); amd. Sec. 4, Ch. 400, L. 1979; (2)En. Sec. 1, Ch. 512, L. 1983; amd. Sec. 17, Ch. 298, L. 1987.

Cross-References

Register of electors, 13-2-112.

13-27-304. County official to forward verified sheets. The county official verifying the number of registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate in substantially the following form attached:

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To the Honorable, secretary of state of the state of Montana:

I,, (title) of the County of, certify that I have examined the attached (section containing sheets) or (.... sheets) of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. in the manner prescribed by law; and I believe that (number) signatures in Legislative Representative District No. (repeat for each district included in sheet or section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and the post-office address and legislative representative district number is completed for each valid signature.

Signed: (Date)

..... (Signature)

Seal

..... (Title)

History: En. 37-123 by Sec. 9, Ch. 342, L. 1977; R.C.M. 1947, 37-123(1).

Cross-References

Role of secretary of state, Title 13, ch. 1, part 2.

13-27-305. Retention of copies by county official. The county official certifying the sheets or sections of a petition shall keep a copy of the sheets or sections certified in the official files of his office. The copies may be destroyed 3 months after the date of the election specified in the petition unless a court action is pending on the sufficiency of the petition.

History: En. 37-123 by Sec. 9, Ch. 342, L. 1977; R.C.M. 1947, 37-123(2).

13-27-306. Challenge to signatures by elector of county. A registered elector of a county having reason to believe that signatures on a petition that were not among those actually compared with signatures in the registration records of the county are not genuine may file a sworn statement or affirmation of his belief and request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine, the county official must compare all signatures on that sheet or section and issue an amended certificate to the secretary of state, giving the correct number of valid signatures, on or before the deadline, as provided for in 13-27-104, for filing in the office of the secretary of state.

History: En. 37-123 by Sec. 9, Ch. 342, L. 1977; R.C.M. 1947, 37-123(5); amd. Sec. 5, Ch. 400, L. 1979.

13-27-307. Consideration and tabulation of signatures by secretary of state. (1) The secretary of state shall consider and tabulate only such signatures on petitions as are certified by the proper county official, and each such certificate is prima facie evidence of the facts stated therein. However, the secretary of state may consider and tabulate any signature not certified by the county official that is certified by a notary public of the

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county in which the signer resides to be the genuine signature of an elector legally qualified to sign the petition.

(2) The official certificate of the notary public for any signature not certified as valid by the county official shall be in substantially the following form:

State of Montana)
)
 ss.
County of)

I, (name), a duly qualified and acting notary public in and for the above-named county and state, do hereby certify that I am personally acquainted with each of the following-named electors whose signatures are affixed to the annexed (petition) (copy of a petition) and I know of my own knowledge that they are registered electors of the state of Montana and of the county and legislative district written after their names in the petition and that their post-office addresses are correctly stated therein.

..... (Names of such electors)
In testimony whereof, I have hereunto set my hand and official seal this day of
....., 19... (Signature)
..... (Notarial information)

Seal

History: En. 37-124 by Sec. 10, Ch. 342, L. 1977; R.C.M. 1947, 37-124; amd. Sec. 212, Ch. 571, L. 1979.

Cross-References

Verification of signatures by county officials —

allocating voters following reapportionment, 13-27-303.

13-27-308. Certification of petition to governor. When sheets or sections of a petition for referendum, initiative, constitutional convention, or constitutional amendment containing a sufficient number of signatures have been filed with the secretary of state within the time required by the constitution or by law, he shall immediately certify to the governor that the completed petition has been officially filed.

History: En. 37-126 by Sec. 12, Ch. 342, L. 1977; R.C.M. 1947, 37-126(part).

13-27-309. Repealed. Sec. 195, Ch. 575, L. 1981.

History: En. 37-126 by Sec. 12, Ch. 342, L. 1977; R.C.M. 1947, 37-126(part).

13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general. (1) The secretary of state shall transmit a copy of the form in which a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day the completed petition is certified to the governor.

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(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the issue will be voted on by the people.

(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general.

History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(1), (2); amd. Sec. 6, Ch. 400, L. 1979.

Cross-References

Approval of form required, 13-27-202.

13-27-311. Publication of proposed constitutional amendments. (1) If a proposed constitutional amendment or amendments are submitted to the people, the secretary of state shall have the proposed amendment or amendments published in full twice each month for 2 months previous to the election at which they are to be voted upon by the people, in not less than one newspaper of general circulation in each county.

(2) The secretary of state may arrange for newspaper, radio, or television publication of proposed constitutional amendments in each county. A summary of the amendment as provided by the attorney general, as described in 13-27-312 or 13-27-315, would suffice for the publication required by this section and should be made at least twice each month for 2 months previous to the election.

History: En. Sec. 12, Ch. 368, L. 1969; amd. Sec. 1, Ch. 38, L. 1973; amd. Sec. 26, Ch. 342, L. 1977; amd. Sec. 6, Ch. 365, L. 1977; R.C.M. 1947, 23-2802; amd. Sec. 213, Ch. 571, L. 1979.

Cross-References

Amendment by initiative, Art. XIV, sec. 9, Mont.

Amendment by referendum, Art. XIV, sec. 8, Const.

Mont. Const.

13-27-312. Review of petition by attorney general — preparation of statements — fiscal note. (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as to form and, if the proposed ballot issue has an effect on the revenues, expenditures, or the fiscal liability of the state, shall order a fiscal note incorporating an estimate of such effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note and shall return it within 6 days unless the attorney general, for good cause shown, extends the time for completing the fiscal note.

(2) If the petition form is approved, the attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall prepare:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

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(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(3) The attorney general shall prepare a fiscal statement of no more than 50 words if a fiscal note was prepared for the proposed ballot issue, such statement to be used on the petition and ballot if the measure is placed on the ballot.

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the measure.

(5) The statement of purpose, unless altered by a court under 13-27-316, is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

(6) The statements of implication shall be placed beside the diagram provided for marking of the ballot in a manner similar to but not limited to the following example:

- FOR extending the right to vote to persons 18 years of age
- AGAINST extending the right to vote to persons 18 years of age

(7) If the petition is rejected to form, the attorney general shall forward his comments to the secretary of state within 21 days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward the statement of purpose, the statements of implication, and the fiscal statement, if applicable, to the secretary of state within 21 days after receipt of the petition by the attorney general.

History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(3); amd. Sec. 7, Ch. 400, L. 1979; amd. Sec. 1, Ch. 336, L. 1981; amd. Sec. 7, Ch. 488, L. 1981; amd. Sec. 10, Ch. 3, L. 1985; amd. Sec. 7, Ch. 359, L. 1991.

Compiler's Comments 1991

1991 Amendment: In (2), in second sentence, substituted "shall prepare" for reference to appointment by Attorney General of a five-member committee to recommend the statement of purpose and statement of implication; deleted former (2) that read: "(2) The attorney general may accept, reject, or modify the statement recommended by the committee. If the committee is unable to recommend one or both statements, the attorney general shall prepare the statements";

in (5), after "purpose", deleted "prepared pursuant to subsection(1) or (2)"; in (6), near beginning after "similar to", inserted "but not limited to"; in (7), in first sentence, increased from 10 days to 21 days the time allowed Attorney General to forward comments if a petition is rejected; and made minor change in style.

Cross-References

Secretary of state to certify ballot form, 13-27-501.

13-27-313. Review of ballot forms by attorney general. The attorney general shall examine each ballot form submitted to his office pursuant to 13-27-310 and within 20 days of receipt of the ballot form shall notify the secretary of state of his approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to 13-27-310(3) within 5 days of receiving the new form.

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History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(4); amd. Sec. 8, Ch. 400, L. 1979.

13-27-314. Repealed. Sec. 19, Ch. 400, L. 1979.

History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(5).

13-27-315. Statements by attorney general on issues referred by legislature. (1) Upon receipt of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues, expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 50 words to be forwarded to the secretary of state at the same time as the explanatory statement.

(2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not be an argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

(3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form.

History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(6); amd. Sec. 9, Ch. 400, L. 1979; amd. Sec. 2, Ch. 336, L. 1981.

13-27-316. Court review of attorney general statements. (1) If the proponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of receipt of the notice from the secretary of state provided for in 13-27-202, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) If the opponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of the date of certification to the governor that the completed petition has

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been officially filed, file ~~an~~ action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(3) (a) Notice shall be served upon the secretary of state and upon the attorney general. The action takes precedence over other ~~cases~~ and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall ~~as~~ soon as possible render ~~a~~ decision and certify to the secretary of ~~state~~ ~~a~~ statement which the court determines will meet the requirements of 13-27-312.

(b) A statement certified by the court shall be placed ~~on~~ the petition for circulation and ~~on~~ the official ballot.

(4) A copy of the petition in final form must be filed in the office of the secretary of ~~state~~ by the proponents.

(5) Any party may appeal the order of the district court to the Montana supreme court by filing ~~a~~ notice of appeal within 5 days of the date of the order of the district court.

History: En. Sec. 10, Ch. 400, L. 1979; amd. Sec. 3, Ch. 336, L. 1981.

Part 4

Voter Information Pamphlets

13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing ~~a~~ voter information pamphlet containing the following information for each ballot issue to be voted on ~~at~~ an election, ~~as~~ applicable:

- (a) ballot title, fiscal statement if applicable, and complete text of the issue;
- (b) the form in which the ~~issue~~ will appear on the ballot;
- (c) arguments advocating approval and rejection of the issue; and
- (d) rebuttal arguments.

(2) The pamphlet must also contain ~~a~~ notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than ~~one~~ ballot ~~issue~~ is to be voted ~~on~~ at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all ~~issues~~ in the pamphlet must be presented in the ~~same~~ order.

(4) The secretary of state may prescribe by rule the format and manner of submission of the arguments concerning the ballot issue.

History: Ap. p. Sec. 14, Ch. 342, L. 1977; Sec. 37-128, R.C.M. 1947; Ap. p. Sec. 74, Ch. 365, L. 1977; Sec. 37-111, R.C.M. 1947; R.C.M. 1947, 37-111(1), (2), 37-128(1); amd. Sec. 11, Ch. 400, L. 1979; amd. Sec. 4, Ch. 336, L. 1981.

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13-27-402. Committees to prepare arguments for and against ballot issues. (1) The arguments advocating approval or rejection of the ballot issue and rebuttal arguments shall be submitted to the secretary of state by committees appointed as provided in this section.

(2) The following committees shall be composed of one senator known to favor the measure, appointed by the president of the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members:

(a) the committee advocating approval of an act referred to the people or of a constitutional amendment proposed by the legislature; or

(b) the committee advocating approval of an act referred to the people by referendum petition.

(3) The committee advocating rejection of an act referred to the people or of a constitutional amendment proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members. Whenever possible, the members shall be known to have opposed the issue.

(4) The following shall be three-member committees and shall be appointed by the person submitting the petition to the secretary of state under the provisions of 13-27-202:

(a) the committee advocating approval of a ballot issue proposed by any type of initiative petition; and

(b) the committee advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition.

(5) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue.

(6) No person may be required to serve on any committee under this section, and the person making an appointment must have written acceptance of appointment from the appointee.

History: En. 37-128 by Sec. 14, Ch. 342, L. 1977; R.C.M. 1947, 37-128(2); amd. Sec. 214, Ch. 571, L. 1979; amd. Sec. 1, Ch. 549, L. 1983; amd. Sec. 18, Ch. 298, L. 1987.

13-27-403. Appointment to committee. (1) Except as provided in subsection (2), appointments to committees advocating approval or rejection of an act referred to the people, a constitutional amendment proposed by the legislature, or a ballot measure referred to the people by referendum petition or proposed by any type of initiative

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petition shall be made no later than 6 months before the election at which the ballot issue will be voted on by the people.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition that is approved less than 7 months before the election at which the ballot issue will be voted on by the people shall be made no later than 30 days after the measure is approved for circulation by the secretary of state. All persons responsible for appointing members to the committee shall submit to the secretary of state the names and addresses of the appointees no later than the date set by this subsection. Such submission must include the written acceptance of appointment from each appointee required by section 13-27-402(6).

(3) All appointees to a committee pursuant to subsection (1) must be notified by the secretary of state by certified mail, with return receipt requested, no later than 5 days after the deadline set for appointment of committee members, of the deadlines for submission of the committee's arguments.

(4) All appointees to a committee pursuant to subsection (2) must be notified by the secretary of state by certified mail, with return receipt requested, no later than 35 days after the petition has been approved for circulation, of the deadlines for submission of the committee's arguments.

(5) Committees appointed under subsections (2)(b), (4), and (5) of 13-27-402 must be vacated and have no further obligation if the ballot measure for which they were appointed fails to receive sufficient signatures to place it on the ballot. The secretary of state shall notify the committee members of the failure of a ballot measure to receive sufficient signatures no later than 3 days after the filing deadline set in 13-27-104.

History: En. 37-129 by Sec. 15, Ch. 342, L. 1977; R.C.M. 1947, 37-129(1), (2); amd. Sec. 2, Ch. 549, L. 1983; amd. Sec. 19, Ch. 298, L. 1987; amd. Sec. 8, Ch. 359, L. 1991.

Compiler's Comments 1991

1991 Amendment: In (1), at beginning, inserted exception clause and after "legislature" inserted "or a ballot measure referred to the people by referendum petition or proposed by any

type of initiative petition"; in (2), in first sentence after "initiative petition", inserted "that is approved less than 7 months before the election at which the ballot issue will be voted on by the people"; and made minor changes in style.

13-27-404. Committee chairman. The appointee of the president of the senate is the chairman of any committee to which that officer makes an appointment. The appointing authority for other committees shall name a chairman at the time the appointments are made.

History: En. 37-129 by Sec. 15, Ch. 342, L. 1977; R.C.M. 1947, 37-129(3).

13-27-405. Committee expenses. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed \$100 for a three-member committee and \$200 for a five-member committee. Itemized claims for actual

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expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose.

History: En. 37-130 by Sec. 16, Ch. 342, L. 1977; R.C.M. 1947, 37-130; amd. Sec. 12, Ch. 400, L. 1979.

13-27-406. Limitation on length of argument — time of filing. An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than 85 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation must approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

History: En. 37-131 by Sec. 17, Ch. 342, L. 1977; R.C.M. 1947, 37-131; amd. Sec. 13, Ch. 400, L. 1979.

13-27-407. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in his office. The committees may prepare rebuttal arguments no longer than 250 words that shall be filed, in typewritten form, with the secretary of state no later than 10 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument shall be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original arguments.

History: En. 37-132 by Sec. 18, Ch. 342, L. 1977; R.C.M. 1947, 37-132.

13-27-408. Rejection of improper arguments. The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward, or that tends to cast ridicule or shame upon, a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Such arguments may not be filed or printed in the voter information pamphlet.

History: En. 37-133 by Sec. 19, Ch. 342, L. 1977; R.C.M. 1947, 37-133(1).

13-27-409. Liability for contents of argument. Nothing in this chapter relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet.

History: En. 37-133 by Sec. 19, Ch. 342, L. 1977; R.C.M. 1947, 37-133(2).

Cross-References

Criminal defamation, 45-8-212.

Civil liability for libel, Title 27, ch. 1, part 8.

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13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing must take place no later than 2 weeks before the election.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues.

History: En. 37-134 by Sec. 20, Ch. 342, L. 1977; R.C.M. 1947, 37-134; amd. Sec. 14, Ch. 400, L. 1979; amd. Sec. 11, Ch. 390, L. 1993.

Compiler's Comments

1993 Amendment: Chapter 390 at end of second sentence in (4), after "weeks", substituted "before the election" for "after the pamphlets are received from the printer"; and made minor changes in style.

Amendment effective July 1, 1993.

Cross-References

Election Administrator or registration official, 13-1-301.

Appendix

Part 5

Election Procedure

13-27-501. Secretary of state to certify ballot form -- abbreviated ballot. (1) The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot.

(2) Except as provided in subsection (4), the secretary of state shall list for each issue:

- (a) the number;
- (b) the method of placement on the ballot;
- (c) the title;
- (d) the attorney general's explanatory statement if applicable;
- (e) the fiscal statement if applicable; and

(f) the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot.

(3) When required to do so, the secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the following statements to identify why the issue has been placed on the ballot:

- (a) an act referred by the legislature;
- (b) an amendment to the constitution proposed by the legislature;
- (c) an act of the legislature referred by referendum petition; or
- (d) a law or constitutional amendment proposed by initiative petition.

(4) The county election administrator may, at least 14 days prior to the deadline for ballot certification by the secretary of state, request in writing that he be furnished an abbreviated form of the certified ballot. The secretary of state shall furnish to all counties from which he has received such a request a certified ballot containing only the information in subsections (2)(a), (2)(e), and (2)(f). If the county election administrator requests that the abbreviated ballot be prepared, copies of the information contained in subsections (2)(a) through (2)(f) must be distributed to each elector by an election judge as the elector enters the polling place.

History: En. 37-135 by Sec. 21, Ch. 342, L. 1977; R.C.M. 1947, 37-135(1); amd. Sec. 15, Ch. 400, L. 1979; amd. Sec. 5, Ch. 336, L. 1981; amd. Sec. 1, Ch. 669, L. 1983; (4)En. Sec. 2, Ch. 669, L. 1983.

Cross-References

Title of ballot issue, 13-27-312, 13-27-316.

Role of secretary of state, Title 13, ch. 1, part 2.

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13-27-502. Preparation of ballots by county officials. Each of the county officials responsible for the preparation and printing of the ballots shall print the ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 13-12-207, 13-12-212, and 13-17-206 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the number of issues to be voted on at an election makes it impractical to print the entire ballot, including the ballot issues, on the official ballot as prescribed by 13-12-207, 13-12-212, and 13-17-206.

History: En. 37-135 by Sec. 21, Ch. 342, L. 1977; R.C.M. 1947, 37-135(2); amd. Sec. 16, Ch. 400, L. 1979; amd. Sec. 54, Ch. 575, L. 1981.

13-27-503. Determination of result of election. The votes on ballot issues shall be counted, canvassed, and returned by the regular boards of judges, clerks, and officers as votes for candidates are counted, canvassed, and returned. The abstract of votes on ballot issues shall be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstract of votes for state officers. The board of state canvassers shall proceed within 20 days after the election at which such ballot issues are voted upon and, at the same time as the votes for state officers are canvassed, canvass the votes given for each ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in his office a statement of the canvass, giving the number and title of each issue, the whole number of votes cast in the state for and against each ballot issue, and the effective date of each ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor.

History: En. 37-136 by Sec. 22, Ch. 342, L. 1977; R.C.M. 1947, 37-136(1); amd. Sec. 55, Ch. 575, L. 1981.

Cross-References

Result of elections, Art. IV, sec. 5, Mont. Const.

Procedure for vote counting, Title 13, ch. 15.

Effective date of ballot issues, 13-27-105.

13-27-504. Copy of approved issues to be sent to legislative council. The secretary of state shall send a certified copy of all ballot issues which have been approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time he transmits a certified copy of the statement of the canvass to the governor.

History: En. 37-136 by Sec. 22, Ch. 342, L. 1977; R.C.M. 1947, 37-136(2).

Cross-References

Publication and updating of code -- Code Commissioner, Title 1, ch. 11.

Legislative Council and publication of laws, Title

Copies of this public document are made upon request. Additional information on printing and distributing costs are available from the Secretary of State's office.